

IN THE MATTER OF APPLICATION)
29857 FILED TO APPROPRIATE)
THE WATERS OF AN UNDERGROUND)
SOURCE IN WHITE RIVER VALLEY,)
WHITE PINE COUNTY, NEVADA.)

R U L I N G

GENERAL:

Application 29857 was filed on December 12, 1975, by Gene D. Clayton to appropriate 1.0 c.f.s. of water from an underground source within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T.12N., R.61E., M.D.B.& M. The water is to be used for irrigation and domestic purposes on 7.6 acres of land within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T.12N., R.61E., M.D.B.& M.

A protest to the granting of Application 29857 was filed on February 17, 1976, by the State of Nevada, Department of Fish and Game. The grounds of the protest are as follows: "Nicholas, Preston and Lund Springs are in close proximity of the proposed well with Nicholas Spring being less than one mile to the southeast. The springs contain White Mountain Sucker (*Pantosteu intermedius*), White River Spinedace (*Lepidomeda albivallis*) and White River Springfish (*Crenichthys baileyi*) which are listed as rare and are protected.

"Because pumping from the proposed well may cause artificial lowering of the spring pools thus jeopardizing the rare fish therein, this protest is filed. However, since it is difficult or impossible to know whether the well would affect the spring pools until the well has been completed, we petition that if a permit is issued that it include the provision that 'if at any time it can be proven or reasonably assumed that the water levels in the above spring pools are diminished by pumping from this well, then pumping shall be reduced to an acceptable level or stopped'." The protestants indicated that the protest would be withdrawn if in the opinion of the protestant adequate safeguards were provided for wildlife and its habitat.

A field investigation in the matter of Application 29857 was held on July 20, 1976. At the investigation it was determined that the well under this application was approximately 1,900 feet Northwest of Nicholas Spring and approximately 2,200 feet Northwest of Arnoldson Spring. The water from the well was to be used for irrigation of approximately 7 acres, a portion

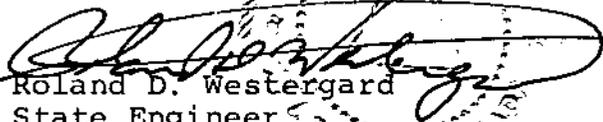
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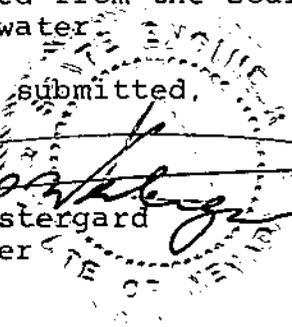
of which is also covered by existing surface water rights. It is felt that the diversion of water in the small amount necessary to irrigate 7 acres of alfalfa would not adversely affect existing rights on the above mentioned springs.

RULING:

The protest to the granting of Application 29857 is herewith overruled and a permit will be granted subject to existing rights upon receipt of the permit fees. The permit will also be subject to the following condition: The amount of water diverted from the source shall at no time exceed 0.5 c.f.s. of water.

Respectfully submitted,


Roland D. Westergard
State Engineer



RDW/BLR/bs

Dated this 3rd
day of September, 1976.